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**Electronically Filed: February 14, 2013**

*Attorneys for Utilities, Inc. of Central Nevada*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

CALDERA P & G,

Debtor.

Case No.: 12-22484-LBR  
Chapter 11

**DECLARATION OF COURTNEY  
MILLER O'MARA IN SUPPORT OF  
MOTION FOR ORDER COMPELLING  
DEBTOR TO PERFORM COURT  
ORDERED ENVIRONMENTAL  
REMEDATION OR, IN THE  
ALTERNATIVE, MOTION FOR  
RELIEF FROM THE AUTOMATIC  
STAY**

Hearing Date: March 14, 2013  
Hearing Time: 10:00 AM  
Courtroom: 1

I, Courtney Miller O'Mara, hereby declare that:

1. I am an associate with the law firm of Lionel Sawyer & Collins, counsel for Utilities Inc. of Central Nevada ("UICN"). I have personal knowledge of the facts stated herein, and if called upon to testify as to the matters set forth herein, I would be competent to do so. I submit this declaration in support of UICN's Motion For Order Compelling Debtor To Perform Court Ordered Environmental Remediation Or, In The Alternative, Motion For Relief From The Automatic Stay.

2. Attached as Exhibit 1 to the Motion For Order Compelling Debtor To Perform Court Ordered Environmental Remediation Or, In The Alternative, Motion For Relief From The Automatic Stay filed concurrently herewith ("Motion"), is a true and correct copy from Lionel Sawyer & Collins' files of the Grant Deed recorded with the Nye County Recorder on October 24, 2011 as Doc #774434.

3. Attached as Exhibit 2 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of the Tri-Partite Agreement dated January 24, 2000.

4. Attached as Exhibit 3 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of the Second Amended Complaint filed December 28, 2010 in *Utilities Incorporated of Central Nevada vs. Ashland Capital, LLC*, Case No. CV27399/CV28780, Fifth Judicial District, Nevada (the "State Court Proceedings") (without voluminous exhibits).

5. Attached as Exhibit 4 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of a June 24, 2009 letter from Nye County Emergency Services to UICN.

6. Attached as Exhibit 5 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of an April 26, 2010 letter from the Nevada Division of Environmental Protection to Robert Mosier/Jorei Enterprises, LLC transmitting a Finding of Alleged Violation and Order.

7. Attached as Exhibit 6 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of the Preliminary Injunction filed on September 11, 2009 in the State Court Proceedings.

8. Attached as Exhibit 7 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of the Order Granting in Part and Denying in Part the Plaintiff's Motion for Partial Summary Judgment filed August 9, 2011 in the State Court Proceedings.

9. Attached as Exhibit 8 to the Motion is a true and correct copy from Lionel Sawyer & Collins' files of the Findings of Fact and Conclusions of Law filed May 31, 2012 in the State Court Proceedings.

1           10. Attached as Exhibit 9 to the Motion is a true and correct copy from Lionel Sawyer  
2 & Collins' files of the Judgment filed May 31, 2012 in the State Court Proceedings.

3           11. Attached as Exhibit 10 to the Motion is a true and correct copy from Lionel  
4 Sawyer & Collins' files of a December 22, 2009 letter from the Nevada Department of  
5 Environmental Protection to the then-owner of the Willow Creek Golf Course, Jorei Enterprises,  
6 LLC.

7           12. Attached as Exhibit 11 to the Motion is a true and correct copy from Lionel  
8 Sawyer & Collins' files of the Lis Pendens recorded in Nye County on November 12, 2008 as  
9 Doc #718753.

10           13. Attached as Exhibit 12 to the Motion is a true and correct copy from Lionel  
11 Sawyer & Collins' files of the Lis Pendens recorded in Nye County on September 2, 2010 as Doc  
12 #718753.

13           14. Attached as Exhibit 13 to the Motion is a true and correct copy from Lionel  
14 Sawyer & Collins' files of the Order Holding James Scott (a/k/a Jim Scott), Ashland Capital,  
15 LLC, and Caldera P & G in Contempt of Court; and Judgment entered on May 16, 2012 in the  
16 State Court Proceedings.

17           15. Attached as Exhibit 14 to the Motion is a true and correct copy from Lionel  
18 Sawyer & Collins' files of the Order No. 2 Holding James Scott (a/k/a Jim Scott), Ashland  
19 Capital, LLC, and Caldera P & G in Contempt of Court; and Judgment entered on August 8,  
20 2012 in the State Court Proceedings.

21           16. Attached as Exhibit 15 to the Motion is a true and correct copy from Lionel  
22 Sawyer & Collins' files of the Order No. 3 Holding James Scott (a/k/a Jim Scott), Ashland  
23 Capital, LLC, and Caldera P & G in Contempt of Court; and Judgment entered on September 19,  
24 2012 in the State Court Proceedings.

25           17. Attached as Exhibit 16 to the Motion is a true and correct copy from Lionel  
26 Sawyer & Collins' files of the Order No. 4 Holding James Scott (a/k/a Jim Scott), Ashland

1 Capital, LLC, and Caldera P & G in Contempt of Court; and Judgment entered on November 7,  
2 2012 in the State Court Proceedings.

3 18. Attached as Exhibit 17 to the Motion is a true and correct copy from Lionel  
4 Sawyer & Collins' files of the relevant pages of the Judgment Debtor Examination of James W.  
5 Scott taken in the State Court Proceedings.


6 19. Attached as Exhibit 18 to the Motion is a true and correct copy from Lionel  
7 Sawyer & Collins' files of a Jorei Enterprises, LLC List of Cash Receipts and Cash  
8 Disbursements (Willowcreek Property) filed in *SEC vs. Private Equity Management Group,*  
9 *LLC*, Case No. CV 09-2901 PSG(EX), U.S. District Court, Central District of California, as  
10 Exhibit I to Doc. 781.

11 20. Attached as Exhibit 19 to the Motion is a true and correct copy from Lionel  
12 Sawyer & Collins' files of a Wells Fargo bank statement for the period July 1, 2012 to July 31,  
13 2012 produced by the Judgment Debtors in the State Court Proceedings.

14 21. Attached as Exhibit 20 to the Motion is a true and correct copy from Lionel  
15 Sawyer & Collins' files of the Examiner's Report (without voluminous exhibits) filed in Case  
16 No. 11-19196 LBR, *Sunray Petroleum, Inc.*, U.S. Bankruptcy Court, District of Nevada, on  
17 October 5, 2102.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is  
19 true and correct.

20 Dated this 14<sup>th</sup> day of February, 2013.

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23 COURTNEY MILLER O'MARA  
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